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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/729,410 | 12/04/2003 | Michael Bret Hartmann | 034043-002 | 9612 |
| 21839 | 7590 | 11/29/2005 | | |
| BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | EXAMINER LE, TAN | |
| | | | ART UNIT 3632 | PAPER NUMBER |

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/729,410 | HARTMANN, MICHAEL BRET | |
| | Examiner | Art Unit | |
| | Tan Le | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the third office action for application number 10/729,410. This office action is responding to Applicant's amendment filed 9/09/05. Currently this application contains claims numbered 1-4 and 7-18. Claims 5-6 have been canceled.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,180,131 to Few in view of US Patent No. 5,992,826 to Simmonds.

As to claim 1, Few teaches a jack stand comprising a housing having generally pyramidal shaped support body comprised of two pairs of opposing inwardly slanting sides (Fig. 1); a centrally positioned vertically movable post (13) received within the support body.

Few however, does not teach a light source mounted in an aperture disposed in one of the inwardly slanting sides of the support body, wherein the light-source is co-planar with one of the inwardly slanting insides of generally pyramidal shaped support body.

Simmonds discloses a jack stand (figure 5) comprising a support body, a vertically movable post (28,37) received within the support body, and a light source (41) mounted in the support body co-planar with one of the sides of the support body in

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order to permit shining of light from the light source out of the housing to illuminate the area around the lifting head so that user can properly position the lifting head under an object in low condition (Col. 5, lines 48-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Few to include a light source mounted in an aperture disposed in one of the inwardly slanting sides of the housing support body, wherein the light-source is co-planar with one of the inwardly slanting sides of generally pyramidal shaped support body as taught in Simmons so as to permit shining of light from the light source out of the housing to illuminate the area around the lifting head so that user can properly position the lifting head under an object in low condition.

As to claims 2-4 and 14-15, Few in view of Simmonds also teaches all the subject matter of claims 2-4 and 14-15, which includes the light source is mounted in the body to illuminate at an upward angle from about 20-70 degrees from the horizontal, and from about 40-60 degrees from the horizontal, wherein the stand includes a mechanism (23, 27, 35. etc.) or (50 in Few) for controlling the vertical height of the vertically movable post with respect to the support body, and wherein the mechanism for controlling the vertical height of the vertically movable is a ratchet (Fig. 3 of Few).

1. Claims 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Few in view of Simmonds as applied to claims 1-4 and 14-15 above, and further in view of U.S. Patent Application Publication number US 2003/0201704 to Camarota et al.

Regarding claims 7 and 8, Few in view of Simmonds teach the previous invention wherein the light source is adjusted via a switch (42) mounted in the support body, but fails to specifically divulge the switch to be an adjustable dimmer switch.

However, Camarota et al. teaches the use of dimmer switch (page 2, paragraph 23) to dim a light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the switch of Few in view of Simmonds with a dimmer switch as in Camarota et al. since it is well known in the art that doing so can reduce electricity consumption in addition to allowing an operator to select a desired amount of illumination.

Regarding claim 9, Few in view of Simmonds alternatively teaches the support body to be as above, so the switch is in fact remote from the support body.

Further, regarding claim 12, Few in view of Simmonds teaches the previous invention failing to specifically teach the light source to be a halogen lamp. Nevertheless, Camarota et al teaches that halogen bulbs utilize less voltage than standard bulbs (page 2, paragraph 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a halogen bulb in Simmonds as in Camarota et al. so as to reduce electricity costs.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Few in view of Simmonds and further in view of US Patent no. 5,381,009 to Brownell.

Few in view of Simmonds teaches the previous invention failing to specifically reveal the jack stand to comprise a motion sensor for turning on and off the light source.

Regardless, Brownell divulges the use of a motion sensor for turning on and off a light source since doing so reduces electric costs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a motion sensor with the jack stand of Few in view of Simmonds as in Brownell so as to reduce electricity costs when the light source is not being utilized.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Few in view of Simmonds and further in view of US Patent No. 5,085,407 to Lonon

Few in view of Simmonds teaches the previous invention failing to specifically reveal the light source to be adjustable such that the angle of the light source to the support body is adjustable. Nevertheless, Lonon teaches a jack stand (figure 7.) comprising a support body (2, 6, generally), a vertically movable post (2j) received within the support body, and a light source (15) mounted in the support body (via hinge, column 6, line 15) wherein the angle of the light source to the support body is adjustable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the light source of Few in view of Simmonds such that the angle of the light source to the support body is adjustable so as to provide for a more adjustable light source and device hence increasing the utility of the stand.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Few in view of Simmonds and further in view of U.S. Patent number 4,872,230 to Levine.

Few in view of Simmonds teaches the previous invention wherein the jack stand includes a power inlet (38, 39), but fails to specifically reveal the jack stand to further comprise a power outlet. However, Levine .230 teaches a jack stand (figure 1) including a power outlet (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the jack stand of Few in view of Simmonds so as to include a power outlet as in Levine in order to increase the utility of the jack stand by providing power to other nearby devices or accessories plugged therein.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Few in view of Simmonds and in view of Levine, and further in view of U.S. Patent number 6,722,435 to Erickson.

Few in view of Simmonds and in view of Levine teach the previous invention, wherein they inherently teach a method of providing illumination under a vehicle comprising supporting a vehicle on a jack stand (that is the inherently purpose of the jack stand), but fail to specifically teach the method to comprise supporting a vehicle on a plurality of jack stands.

Nevertheless, Erickson does in fact teach a method of supporting a vehicle on a plurality of jack stands (2). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to have supported a vehicle on a plurality of jack stands as in Erickson :635 so as to provide for superior support of the vehicle hence providing for a safer work place. Moreover, Few in view of Simmonds in view of Levine, and further in view of Erickson further fail to specifically teach the power outlet! of one jack stand to be connected to a power inlet from a second jack stand.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have connected the power outlet of one jack stand to a power inlet from a second jack stand since such series connections would be well known in electrical wire connections for conveniently providing continuous connections, in addition to the fact that most cigarette lighter type outlets only comprise a single outlet and thus would only be able to power one jack stand.

Continuing, regarding claim 17, different jack stands would inherently have their light sources directed at different angles to the horizontal since as previously discussed each light source is directed through approximately 180 degrees.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fe win view of Simmonds and in view of Levine and further in view of Erickson and further in view of U.S. Patent number 6,082,806 to Bogard.

Few in view of Simmonds in view of Levine, and further in view of Erickson teaches the previous invention failing to specifically teach instructions for setting forth the method of claim 16 hence defining a kit. Nevertheless, Bogard teaches that it is well known to provide instructions for assembly hence defining kits (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have provided instructions setting forth the assembly of claim 16 hence defining a kit so as to aid an end user in the assembly/set-up/use of the jack stand and method of providing illumination under a vehicle.

Response to Arguments

3. Applicant's arguments in view of an amendment filed 09/09/05 have been fully considered but they are not persuasive.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
November 17, 2005.


ANITA KING
PRIMARY EXAMINER